



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) First Account and Report of Conservator, (2) Petition for Allowance of Fees for Attorney and (3) Petition for Waiver of Further Accounting (Prob. C. 2620, 2623, 2640, 2942)

DOD: 05/05/09		PAT MIRANDA , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/07/12</u> As of 06/11/12, no additional documents have been filed and following items remain: 1. Need Order. 2. Previous status reports filed in this matter indicate that the conservatee died on 05/05/09, this account only covers the period from 08/21/03 – 07/18/06. Need accounting for period of 07/19/06 – 05/05/09. 3. Distributions reflect monthly payment to Conservator, Pat Miranda, of \$400.00 for <u>room and board</u> ; however, there are multiple distributions to grocery stores as follows: - 10/11/03 Food Maxx - \$186.09 - 10/28/03 Savemart - \$36.70 - 11/08/03 Savemart - \$89.47 - 01/05/03 Savemart - \$65.30 - 02/02/04 RN Market - \$70.31 - 05/12/04 Food 4 Less - \$87.06 - 06/24/04 Savemart - \$87.65 - 07/12/04 Savemart - \$86.83 - 08/02/04 RN Market - \$43.37 - 08/05/04 Food Maxx - \$88.14 - 09/16/04 Vons - \$59.64 - 01/12/05 RN Market \$58.40 Court may require clarification of charges at grocery stores, were these groceries purchased for the Conservatee? Was food not included in the <u>Room & Board</u> charge? Also there are payments to PG&E as follows: - 01/15/04 \$200.00; 03/04/04 \$167.01; 08/20/04 \$150.00; 09/20/04 \$100.00; 12/17/05 \$150.00; 01/07/05 \$100.00; 02/08/05 \$150.00; 03/08/05 \$150.00; 04/05/05 \$100.00; 05/06/05 \$100.00; 07/11/05 \$155.45; 10/06/05 \$100.00. Was PG&E not included in the room & board payment, if not, why aren't payments made each month. The court may require more information. <div style="text-align: center;">Continued on Next Page</div>
		Account period: 08/21/03 – 07/18/06	
		Accounting - \$51,525.40	
		Beginning POH - \$22,168.18	
		Ending POH - \$381.16	
Cont. from 032712, 050712			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF Reviewed on: 06/11/12 Updates: Recommendation: File 1 - McCaslin

4. Distributions schedule has several additional items that are unexplained and/or require more information showing how they benefited the conservatee, those items are as follows:
- 09/23/03 – Walgreens \$116.10
 - 10/11/03 – Simonian Farms \$14.08
 - 11/03/03 – SBC \$113.27
 - 11/03/03 – Target \$119.80
 - 11/03/03 – Sears \$87.31
 - 11/03/03 – Sears \$21.58
 - 11/13/03 – Walmart \$82.90
 - 12/22/03 – Target/Gift Cert. for x-mas \$167.30 – See CRC 7.1059 (b)(3)
 - 02/09/04 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 04/17/04 – Walgreens \$72.36
 - 04/20/04 – Transfer to Acct. XXXXXX-8485 \$1,700.00 – Is this another account of the conservatee?
 - 04/26/04 – Sears \$228.31
 - 05/13/04 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 05/22/04 – Down payment on El Camino \$1,000.00 – Did the Conservatee drive? Was this car for the conservatee?
 - 06/03/04 – Carol Howard \$35.00
 - 06/05/04 – Walmart \$246.24
 - 07/16/04 – Chapel of the Light \$450.00
 - 08/03/04 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 09/01/04 – Savings Overdraft Fee \$10.00 – see CRC 7.1059(b)(1)
 - 10/10/04 – Walmart \$99.92
 - 10/21/04 – Wells Fargo Financial - \$70.00
 - 10/27/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
 - 11/02/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
 - 11/08/04 – Walter Clarke & Assoc. \$150.00
 - 11/08/04 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 12/02/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
 - 12/15/04 – Transfer to Acct. XXXXXX-8485 \$1,200.00 – Is this another account of the conservatee?
 - 01/03/05 – Transfer to Acct. XXXXXX-8485 \$500.00 – Is this another account of the conservatee?
 - 01/12/05 – Walmart \$43.33
 - 01/14/05 – Rite Aid \$29.40
 - 01/14/05 – Transfer to Acct. XXXXXX-8485 \$150.00 – Is this another account of the conservatee?
 - 01/14/05 – Savings overdraft fees - \$10.00 - see CRC 7.1059(b)(1)
 - 01/21/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
 - 01/24/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
 - 01/25/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
 - 02/04/05 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 02/15/05 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 03/02/05 – Transfer to Acct. XXXXXX-8485 \$500.00 – Is this another account of the conservatee?
 - 03/02/05 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 03/03/05 – Overdraft fee - \$22.00 - see CRC 7.1059(b)(1)
 - 03/04/05 – Check 1156 payee not listed \$50.00
 - 03/10/05 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 03/14/05 – Check 1157 payee not listed \$25.00
 - 03/18/05 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 04/05/05 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 04/07/05 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 04/08/05 – Check 1159 payee not listed \$507.25
 - 04/18/05 – Overdraft fee \$10.00 - see CRC 7.1059(b)(1)
 - 04/18/05 – Check 1160, payee not listed \$250.00

04/29/05 - Transfer to Acct. XXXXXX-8485 \$10.00 - Is this another account of the conservatee?
05/05/05 - Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
05/16/05 - Transfer to Acct. XXXXXX-8485 \$500.00 - Is this another account of the conservatee?
06/03/05 - Check 1161, payee not listed \$500.00
06/16/05 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?
06/16/05 - Check 1162, payee not listed \$505.50
06/16/05 - Check 1163, payee not listed \$60.00
07/01/05 - Share of Cost of IHSS - \$377.00
07/12/05 - Check 1164, payee not listed \$20.00
07/12/05 - Check 1165, payee not listed \$10.00
07/11/05 - Check 1166, payee not listed \$10.00
07/15/05 - Check 1167, payee not listed \$30.00
07/21/05 - Transfer to Acct. XXXXXX-8485 \$60.00 - Is this another account of the conservatee?
07/22/05 - Check 1168, payee not listed \$27.96
07/26/05 - Check 1169, payee not listed \$25.00
07/27/05 - Overdraft fee - \$22.00
07/29/05 - Overdraft fee - \$5.00
08/04/05 - Share of cost IHSS - \$377.00
08/08/05 - Check 1170, payee not listed \$500.00
08/16/05 - Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
09/15/05 - Share of cost IHSS - \$377.00
09/16/05 - Check 1171, payee not listed \$500.00
09/28/05 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?
10/04/05 - Share of cost IHSS - \$377.00
10/07/05 - Check 1172, payee not listed \$50.00
10/11/05 - Check 1173, payee not listed \$150.00
10/13/05 - Online transfer to Pat Miranda - \$100.00
10/17/05 - Check 1174, payee not listed \$250.00
11/17/05 - Online transfer, payee not listed \$589.00
11/21/05 - Check 1301, payee not listed \$352.50
11/22/05 - Check 1302, payee not listed \$65.00
12/09/05 - Pat Miranda, IHSS \$589.00
12/12/05 - Check 1303, payee not listed \$25.00
12/29/05 - Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?
01/03/06 - Pat Miranda, Share of Cost IHSS - \$589.00
01/10/06 - Arizona Mail Order - \$50.00
01/20/06 - Check 1304, payee not listed \$25.00
01/20/06 - Check 1305, payee not listed \$50.00
01/31/06 - Check 1306, payee not listed \$6.94
02/03/06 - Pat Miranda, Share of Costs IHSS - \$589.00
02/07/06 - Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
02/08/06 - Returned check fee \$30.00 - see CRC 7.1059(b)(1)
02/14/06 - Bill Pay Arizona Mail order - \$10.00
03/03/06 - Pat Miranda, share of costs IHSS - \$589.00
03/06/06 - Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?
03/06/06 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?
03/07/06 - Returned check fee \$30.00 - see CRC 7.1059(b)(1)
03/22/06 - Transfer to Acct. XXXXXX-8485 \$50.00 - Is this another account of the conservatee?
04/03/06 - Pat Miranda, share of costs IHSS - \$589.00
04/04/06 - Check 1308, payee not listed \$20.00
04/05/06 - Transfer to Acct. XXXXXX-8485 \$75.00 - Is this another account of the conservatee?

04/19/06 – Check 1309, payee not listed \$25.00
04/24/06 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?
04/24/06 – Bill Pay Arizona Mail Order \$10.00
05/08/06 – Pat Miranda, Share of costs IHSS \$402.00
05/11/06 – Merrick Bank Credit Card Payment \$310.76 – Is this the conservatee's credit card?
05/24/06 – Check 1311, no payee listed \$15.00
05/26/06 – Check 1312, no payee listed \$638.00
06/13/06 – Check 1313, no payee listed \$638.00
07/14/06 – Check 1315, no payee listed \$1,224.00
07/14/06 – Transfer to Checking? \$350.00

Age: 76 years DOB: 2/11/1936		CONNIE RANA, Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/8/08 – 12/31/09	Continued from 5/7/12. As of 6/11/12 there have been no additional documents filed.
		Accounting - \$782,889.76 Beginning POH- \$642,039.07 Ending POH - \$496,754.10	
Cont. from 102511, 120611, 012412, 030812, 050712		Conservator - waives	1. Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship has been established in Nevada. Court may want to inquire about the establishment of a conservatorship in Nevada. – A copy of the Petition for Appointment of Guardian of the Person and Estate filed in Clark County, Nevada on 1/20/12 has been presented to the court. Please see additional page
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$2,000.00 (per Local Rule)	
<input checked="" type="checkbox"/>	Verified	Petitioner prays for an Order:	
<input type="checkbox"/>	Inventory	1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;	
<input type="checkbox"/>	PTC	2. Authorizing Petitioner to pay her attorney the sum of \$2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 6/11/12
			Updates:
			Recommendation:
			File 2 - Parks

- 2. Disbursement schedule shows payments bi-monthly of \$2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers. – Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance and maintenance costs for the property. Conservator states she and her husband do not make any property from the conservatee's tenancy.**
- 3. Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification. –Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.**
- 4. Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification. – Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.**
- 5. Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**

 - a. 3/11/08 – TV Surround + patio furniture for \$1,723.65**
 - b. 4/22/08 – Washer and dryer for \$1,578.90**
 - c. 12/22/09 – firmer sofa(?) – for \$2,196.19 - Declaration of Conservator filed on 11/30/11 states the purchases were necessary.**
- 6. Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - \$250.00 and Jacob Rana - \$200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure. – Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.**

Please see additional page

2 (additional page 2 of 3) Darleen Joyce Parks (CONS/PE) Case No. 03CEPR01192

7. Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:
- 4/15/08 - \$271.00
 - 4/15/08 - \$271.00
 - 8/26/08 - \$271.00
 - 8/26/08 - \$271.00 - Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.
8. Disbursement schedule shows a transfer correction of \$250.00 on 12/22/08. Court may require clarification.
- Declaration of Conservator filed on 11/30/11 states the payment of \$250.00 was to the Nevada DMV to license Darlene's 2003 Jaguar.
9. Disbursement schedule shows a disbursement for "Home Warranty" in the amount of \$313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above). – Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.
10. Need Bank Statements as required by Probate Code 2620(c)(2).
11. This conservatorship was established in 2003. Property on hand schedule from the 2nd account ending on 12/31/2007 shows promissory notes (all apparently established during the 2nd account period) as follows:
- \$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum
 - \$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.
 - \$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)
- Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. – Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2nd account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.

Please see additional page

12. Property on hand schedule for this (the 3rd) accounting shows two promissory notes as follows:

- \$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$95,000.00
- \$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$191,286.22.

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full?

Need clarification and need change in asset schedule. – Declaration of Conservator filed on 11/30/11 states the questions raised herein are addressed in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.

(1) First and Final Report of Administrator, (2) Petition for Final Distribution and (3) Allowance of Compensation for Statutory Commissions and for Statutory and Extraordinary Attorney's Fees

DOD: 9/9/2010		JEFFREY MARTIN , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	Continued from 5/14/12. As of 6/11/12 the following issues remain:
Cont. from 051412			<ol style="list-style-type: none"> 1. Need property on hand schedule. California Rules of Court, Rule 7.651. 2. Need statement re: Costs 3. Need receipt for preliminary distribution. 4. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board. 5. Order does not comply with Local Rule 7.6.1. All orders in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity as required of judgments in general civil matters. Monetary distributions must be stated in dollars, and not as percentages of the estate.
<input type="checkbox"/>	Aff.Sub.Wit.	I & A - \$98,827.23	
<input checked="" type="checkbox"/>	Verified	Administrator (statutory) - \$3,953.08	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Attorney (statutory) - \$3,953.08	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Costs - \$416.00	
<input type="checkbox"/>	Aff.Pub.		
<input checked="" type="checkbox"/>	Sp.Ntc.	Distribution, pursuant to intestate succession, is to:	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Robert James Santopietro, Jr. - 100%	
<input checked="" type="checkbox"/>	Letters	1/19/11	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 6/11/12
Updates:
Recommendation:
File 3 – Santopietro

Atty Bagdasarian, Gary G., sole practitioner (for Petitioner John Van Curen, Administrator)

(1) First and Final Account and Report of Status of Administrator and Petition for Settlement Thereof; (2) for Allowance of Statutory Administrator's Compensation and Statutory Attorney's Fees; (3) for Extraordinary Attorney's Fees; (4) for Costs Reimbursement and (5) for Final Distribution [Prob. C. et seq., 6402(a), 10800, 10810, 10811, 10951, & 11600]

DOD: 11/17/2010		JOHN VAN CUREN , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 3/3/2011 – 4/16/2012	
		Accounting - \$167,547.01	
Cont. from		Beginning POH - \$127,337.57	
<input type="checkbox"/>	Aff.Sub.Wit.	Ending POH - \$131,930.85 (all cash)	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Administrator - \$6,026.41 (statutory)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$6,026.41 (statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	Attorney XO - \$6,550.00 (per Declaration and itemization, for investigation of assets and negotiation of creditor's claims of Decedent's brother-in-law with claimant and his attorney, negotiation of insurance settlement, preparing and filing tax returns; for 26.20 hours @ \$250.00/hour;)	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	030311	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Costs - \$1,447.50 (filing fees, probate referee, publication for initial and amended petitions, creditor claim copy;)	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Closing - \$1,000.00	
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	Distribution pursuant to intestate succession is to:	
<input type="checkbox"/>	Aff. Posting	<ul style="list-style-type: none"> JESSICA DESATOFF – \$55,440.27 cash JOSHUA DESATOFF – \$55,440.26 cash 	
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 6/11/12
			Updates:
			Recommendation:
			File 4 - Desatoff

(1) First and Final Account and Report of Administrator and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorney's Fees and Administrator's Compensation; (3) for Extraordinary Attorney's Fees; (4) for Costs Reimbursement and (5) for Final Distribution [Prob. C. et seq., 10513, 10537(b)(3), 10259, 10800, 10810, 10811, 10951, & 11600]

DOD: 07/03/2000		JOHN VAN CUREN , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 10/05/11 – 03/31/12	
Cont. from			
	Aff.Sub.Wit.	Accounting - \$66,109.76	
✓	Verified	Beginning POH - \$66,017.75	
✓	Inventory	Ending POH - \$34,951.47 (all cash)	
✓	PTC		
✓	Not.Cred.	Administrator - \$1,724.39 (statutory)	
✓	Notice of Hrg		
✓	Aff.Mail w/	Attorney - \$1,724.39 (statutory)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Attorney x/o fees - \$11,150.00 (per itemized statement for services in connection with the sale of real property of the estate including coordinating cleaning up the property, access to the property, valuation and sale of the property with the Administrator, real estate agent hired to list the property, Industrial Waste & Salvage hired to clear the property, Probate Referee re appraisal for sale, for a total of 44.6 hours @ \$250.00/hr.)	
	Conf. Screen		
	Letters 10/05/11		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202	Costs - \$1,356.00 (filing fees, publication, certified copies, probate referee, recording fees)	
✓	Order	Closing - \$1,000.00	
	Aff. Posting	Distribution, pursuant to intestate succession and subject to creditor's claim, is to:	
	Status Rpt	Department of Health Care Services - \$17,966.69	
	UCCJEA		
	Citation		
✓	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 06/12/12	
		Updates:	
		Recommendation:	
		File 5 - Gizirian	

**Petition for Probate of Will and for Letters of Administration with Will Annexed;
 Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 10/18/11		PUBLIC ADMINISTRATOR is petitioner.	NEEDS/PROBLEMS/COMMENTS:				
		PUBLIC ADMINISTRATOR was appointed Special Administrator with general powers on 2/16/2012. Letters of Special Administration expire on 4/5/12.	Continued from 6/6/12.				
Cont. from 011912, 021612, 040512, 050212, 060612		Full IAEA – o.k.	<ol style="list-style-type: none"> 1. Petition requests that the Decedent's audio Will dated 9/2/1993 be admitted to probate. Probate Code §6110 states in relevant part "a will shall be in writing." Need authority that allows the court to admit an audio will to probate. – <i>Memorandum of Points and Authorities filed on 2/1/2012 by the California Armenian Home.</i> 2. Need proof of holographic instrument for the handwritten notations on the will if the court is going to consider said handwritten notations as a codicil to the decedent's witnessed will. – <i>Declaration of Herbert I. Levy filed on 3/29/12 states he has known Mr. Boghosian approximately 55 years. He has listened to the audio tape and it is very apparent to him that the voice on the tape is that of Mr. Boghosian.</i> 				
Aff.Sub.Wit.							
✓ Verified		Will dated: 8/11/1972 Audio Will dated: 9/2/1993					
Inventory							
PTC		Residence: Fresno Publication: Fresno Business Journal					
Not.Cred.							
Notice of Hrg		Estimated value of the Estate: Personal property - \$464,027.00 Real property - \$130,000.00 Total - \$594,027.00					
✓ Aff.Mail	W/						
✓ Aff.Pub.		Probate Referee: STEVEN DIEBERT					
Sp.Ntc.							
Pers.Serv.		<table border="1"> <tr><td>Reviewed by: KT</td></tr> <tr><td>Reviewed on: 6/12/12</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 6A - Boghosian</td></tr> </table>	Reviewed by: KT	Reviewed on: 6/12/12	Updates:	Recommendation:	File 6A - Boghosian
Reviewed by: KT							
Reviewed on: 6/12/12							
Updates:							
Recommendation:							
File 6A - Boghosian							
Conf. Screen							
✓ Letters							
Duties/Supp							
Objections							
Video Receipt							
CI Report							
9202							
✓ Order							
Aff. Posting							
Status Rpt							
UCCJEA							
Citation							
FTB Notice							

Memorandum of Points and Authorities in Support of Petition for Probate filed by the California Armenian Home on 2/1/12.

A holographic codicil may be placed on the face of a witnessed will, and is valid if it meets the requisites of a holographic instrument (written in the testator's hand, dated and signed). [*Estate of Nielson* (1980) 105 Cal.App.3d 796, 802-805] Witkins defines "codicil" as "a later testamentary instrument or entry on an original testamentary instrument that supplements or otherwise affects its validity or terms." [14 Witkin, *Summary of California Law* (10th ed.(2005), Wills, §159]

The handwritten notation of Mr. Boghosian on the face of his witnessed will appears to constitute a holographic codicil, since it appears to be in his handwriting, is dated and signed, and supplements or otherwise affects the validity or terms of his earlier witnessed will.

A holographic codicil may incorporate by reference another writing (formal or informal, attested or unattested) as long as the reference is unmistakable or can be deemed unmistakable by reference to extrinsic evidence. [*In re Foxworth's Estate* (1966) 240 Cal.App.2d 784, 788] The required elements to establish incorporation by reference are: (1) the incorporated writing must be in existence at the time the codicil makes reference to it; (2) the codicil must identify the incorporated writing by a sufficiently certain description, and extrinsic evidence is admissible to aid the identification; and, (3) it must appear that the testator intended to incorporate the writing for the purpose of carrying out his testamentary desires. [id. at pages 788-789]

The handwritten notation of Mr. Boghosian on his witnessed will appears to constitute a holographic codicil that incorporates by reference two separate writings for the purpose of carrying out his testamentary desires.

First, the holographic codicil incorporates the tape recording that Mr. Boghosian specifically identifies and states that he "made" on September 2, 1993 "to supersede" his witnessed will. This establishes the elements of existence, identification and intent. The element of identification is also established by the extrinsic evidence consisting of Mr. Boghosian's handwritten notations on the tape itself, and on the envelope in which his witnessed will and tape were found.

Second, the holographic codicil incorporates Mr. Boghosian's witnessed will by referring to "this will" as the testamentary instrument he sought to "supersede" with the tape recorded instructions.

Finally, the tape recording should be considered a proper matter to be incorporated by reference notwithstanding that case law on the issue generally refers to "documents" being incorporated by reference. Probate Code §6130 governs incorporation by reference, and refers to a "writing" as the type of matter which may be incorporated by reference (not a "document" or "paper"). The Probate Code does not define the word "writing" and does not exclude probate proceedings from the rules of evidence, so the provisions of the Evidence Code may be applied to determine the meaning of the word "writing" used in Probate Code §6130. [Evidence Code §300; and see, *Estate of Nicholas* (1986) 177 Cal.App.3d 1071, 1088]

Evidence Code §250 provides the following definition for the word "writing:"

"'Writing' means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting, by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereby created, regardless of the manner in which the record has been stored."

Tape recordings are considered “writings” under the Evidence Code. [*Darley v. Ward* (1980) 28 Cal.3d 257,261] Since the tape recording made by Mr. Boghosian is a “writing” it is subject to being incorporated by reference in his holographic codicil.

Therefore, request is made that the Will of Jack H. Boghosian dated August 11, 1972 be admitted with the taped testamentary document described in Attachment 3e(2) to the Petition of the Fresno County Public Administrator as the codicil of the Decedent.

Memorandum of Points and Authorities filed by Trinity Home Health Services dba Saint Agnes Home Health and Hospice, beneficiary filed on 2/14/12.

Atty Kruthers, Heather H (for Petitioner Public Administrator)

Atty Bagdasarian, Gary (for beneficiary California Armenian Home)

Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)

Atty Poochigian, Mark (for Mike Shahinian)

Petition for Approval of Settlement Agreement

		NEEDS/PROBLEMS/COMMENTS: Analysis of this matter was completed by the research attorney therefore examiner notes have not been prepared.	
Cont. from 060712			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 6/12/12	
		Updates:	
		Recommendation:	
		File 6B - Boghosian	

6B

Atty Kruthers, Heather H (for Petitioner Public Administrator)
 Atty Bagdasarian, Gary (for beneficiary California Armenian Home)
 Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)
 Atty Poochigian, Mark (for Mike Shahinian)

**Notice of Demurrer and Demurrer to Petition for Probate of Will and for
Letters of Administration With Will Annexed**

		NEEDS/PROBLEMS/COMMENTS: Analysis of this matter was completed by the research attorney therefore examiner notes have not been prepared.
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: KT
		Reviewed on: 6/12/12
		Updates:
		Recommendation:
		File 6C - Boghosian

6C

DOD: 11-7-11		<p>MICHAEL NEAL, Son and Successor Trustee of the PAT NEAL LIVING TRUST AS AMENDED AND RESTATED ON 7-30-07, is Petitioner.</p> <p>Petitioner states the Trust Schedule of Assets lists certain bank accounts, including, without limitation a bank account at Central Valley Community Bank, and also lists certain real property on Ashcroft in Clovis (the "Ashcroft Property").</p> <p>Petitioner states the value of the bank accounts is approx. \$44,000.00 and the value of the Ashcroft Property is approx. \$145,000.00.</p> <p>Petitioner has discovered that certain bank accounts at Central Valley Community Bank and the Ashcroft Property were not actually transferred to the Trust; however, Petitioner believes it was Pat's intent, based on the Trust Schedule, that these assets be held in trust. Petitioner states there is a pour-over will, and if the assets were distributed through Probate, it would ultimately be to the same beneficiaries.</p> <p>Petitioner requests an Order pursuant to Probate Code §850(3)(B) declaring that certain bank accounts held at Central Valley Community Bank and the Ashcroft Property are assets of the Trust.</p> <p>A Response was filed on 5-30-12 by SunTrust Mortgage, the loan servicer on the Ashcroft Property and another property owned by the trust that is not subject to this petition (the "Cole Property"). The response states SunTrust is the loan servicer and has the right to collect payments and force its security interest as to the loans in connection with the Ashcroft and Cole Properties. A declaration in support of the Response was also filed with documentation attached.</p> <p>Reply to Response filed on 6-14-12 states the Cole Property is already held in trust and not a subject of this petition. Further, the petition does not proposed to subvert or circumvent Suntrust's security interest in the Ashcroft Property. If confirmed, the security interest remains in full force and effect. The Court should grant the petition because the relief requested does not prejudice SunTrust's interest and is consistent with Decedent's intent to include such property in her trust estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Response filed by SunTrust does not appear to contain any objections to the petition.</p>
Cont. from 043012			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc

Reviewed on: 6-13-12

Updates: 6-14-12

Recommendation:

File 7 – Neal

Petition to Determine Succession to Real and Personal Property
 (Prob. C. 13151)

DOD: 3/12/12		ORVILLE ALLEN LAWSON , son, is petitioner. 40 days since DOD. No other proceedings. Will dated: 9/18/2009- devises entire estate to Orville Allen Lawson, petitioner/son. I & A - \$82,000.00 Petitioner requests court determination that Decedent's 100% interest in real property and personal property passes to him pursuant to the Decedent's will.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT Reviewed on: 6/12/12 Updates: Recommendation: SUBMITTED File 9 - Lawson	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/15/2012		COLLEEN (KELLY) M. GOVIER , daughter / named executor without bond, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: Continued to 07/26/2012 Per Attorney Request 1. Petitioner indicates at #5a(7) that there is an issue of a predeceased child. Please provide the date of death of the decedent's child per Local Rule 7.1.1D. 2. Need Affidavit of Publication in the correct newspaper pursuant to Local Rule 7.9.A. Petitioner states that decedent died in Reedley therefore the correct publication should be The Reedley Exponent. Petitioner published in The Fresno Bee. 3. Need Letters 4. Need Order 5. Need Duties and Liabilities of Personal Representative 6. Confidential Supplement to Duties and Liabilities of Personal Representative	
		Full IAEA – o.k.			
		Will dated: 05/18/2002			
Cont. from		Residence: Reedley Publication: The Fresno Bee			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg	W			
✓	Aff.Mail				
✓	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters	X			
	Duties/Supp	X			
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order	X			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
				Estimated value of the Estate: Personal Property - \$20,000.00 Annual Gross Income from Personal Prop. \$100 Real Property - \$250,000.00 Encumbrances (- \$151,000.00) Total: - \$119,000.00	
				Probate Referee: Rick Smith	
				Reviewed by: LEG/LV Reviewed on: 06/13/2012 Updates: Recommendation: File 10 - Govier	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 02/19/2012	YOSHIKO UMAMIZUKA , sister / named executor without bond, is Petitioner	NEEDS/PROBLEMS/COMMENTS: 1. Need date of death of decedent's parents per Local Rule 7.1.1D. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 11/09/2012 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 08/09/2013 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/> Verified		
Inventory	Will dated: 12/15/1995	
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	w/o Residence: Sanger Publication: Sanger Herald	
<input checked="" type="checkbox"/> Aff.Mail		
<input checked="" type="checkbox"/> Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Estimated Value of the Estate: Personal property - \$30,748.00 Real property - \$135,000.00 Total: - \$165,748.00	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order	Probate Referee: Rick Smith	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG / LV
		Reviewed on: 06/13/2012
		Updates:
		Recommendation:
		File 11 - Yamaguchi

Status Hearing Re: Accounting/ Petition for Final Distribution

DOD: 01/26/04		<p>ANTONETTE FREGOSO, Daughter, was appointed Administrator with full IAEA without bond and Letters issued on <u>6-15-04</u>.</p> <p>Inventory and Appraisal (“Reappraisal Final Dist”) filed 1-3-11 reflects revised values for the real properties as follows: residence \$90,000.00; undivided one-half interest in business and real property \$70,000.00 (total: \$160,000.00).</p> <p>Minute Order dated March 26, 2012 set this matter for status and states: Counsel advised the Court that due to the condition of the building, financing has been difficult. Counsel further advises that there is no money in the estate.</p> <p>Inventory & Appraisal filed 06/05/12 - \$50,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/07/12</u></p> <p>Minute Order from 05/07/12 states: Counsel advises the Court that she is still waiting on the reappraisal from the referee.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> 1. Need final account/petition for distribution.
Cont. from 050712			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 06/11/12	
		Updates:	
		Recommendation:	
		File 12 - Canales	

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 03/24/08		<p>LINDA LADD, was appointed Administrator with bond set at \$40,000.00 on 09/09/08. Letters were issued on 11/07/08.</p> <p>Inventory & Appraisal filed 12/15/08 shows an estate value of \$150,000.00.</p> <p>Notice of Status Hearing filed 05/08/12 set this matter for status on 06/18/12. Clerk's Certificate of Mailing indicates that the Notice was mailed to Linda Ladd and Val Dornay on 05/08/12.</p> <p>Status Report filed 06/04/12 by Linda Ladd states: The only asset of the estate is real property located at 1044 Oxford, Clovis, CA. Petitioner has been attempting to sell the real property, but due to market conditions, no buyer was located until recently. A buyer has offered to purchase the property for \$92,000.00. An escrow will be opened soon and Notice of Proposed Action will be served on all parties entitled to notice. At least one beneficiary of the decedent has died during the Administration of this estate, which will necessitate opening a probate for the estate of the deceased beneficiary. Once an Administrator is appointed in those proceedings and once the sale of the real property has been completed, Petitioner will be in a position to petition this court for final distribution in this estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Atty Persons, Leroy R. (pro per – former Conservator of the Person & Estate)

Atty Kruthers, Heather H. (for Public Guardian – Temporary Conservator of the Person & Estate)

Status Hearing Re: Abandoned Property and Securing of Medi-Cal Benefits

Age: 83 DOB: 02/23/28	<u>TEMPORARY EXPIRES 06/18/12</u>	NEEDS/PROBLEMS/COMMENTS:
	LEROY R. PERSONS , was appointed as Conservator of the Person & Estate of Leroy Alvin Persons and Letters were issued on 11/29/10.	<u>CONTINUED FROM 04/16/12</u> Minute Order from 04/16/12 states: Counsel advises the Court that the conservatee is on Medi-Cal. Counsel advises the Court that she is requesting a continuance in the event that there is no Medi-Cal bed available. Matter is continued to 06/18/12. The temporary is extended to 06/18/12.
Cont. from 112811, 020612, 041612	Minute Order from Status Hearing on 09/26/11 set this matter for status and states: The Court accepts the voluntary resignation of Leroy Parsons and relieves him as conservator of the person and estate. The Court appoints the Public Guardian as temporary successor conservator of the person and estate.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections	Status Report filed 02/01/12 states that the Public Guardian is still working on obtaining Medi-Cal benefits for the Conservatee and is currently addressing specific issues that Medi-Cal has identified. The Public Guardian requests a continuance of at least 60 days in order to allow time to respond to Medi-Cal.	
Video Receipt	Ex Parte Petition for Instruction and Authorization to Abandon Real Property filed 02/07/12 by the Public Guardian was granted on 02/07/12.	
CI Report		
9202	Status Report Re: Abandoned Property and Securing of Medi-Cal Benefits by Public Guardian filed 04/06/12 states: The Court authorized the abandonment of conservatees real property on 02/07/12 and the conservatee is now on Medi-Cal. Currently, the Public Guardian is working on getting the requirements for admission into a skilled nursing facility. In order to allow time to obtain the needed information and find suitable placement, the Public Guardian requests that the next status hearing be set no earlier than 60 days from the date of the hearing.	
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 06/11/12
		Updates:
		Recommendation:
		File 15 - Persons

Probate Status Hearing Re: Filing of Final Accounting

DOD: 2/29/12		<p>AMY IHDE, daughter, was appointed conservator of the person and estate on 1/27/11 with bond set at \$19,000.00</p> <p>On 2/29/12 the conservatee died.</p> <p>This status hearing was set for the filing of the final account.</p> <p>Status Report filed on 4/12/12 states the conservatorship estate owns a mobile home located in a mobile home park. After the conservatee's death there were no funds to pay the rent on the space at the mobile home park. Conservator attempted to sell the mobile home without success. On 3/13/12 the attorney filed an ex parte application to sell the mobile home to the mobile home park. The petitioner was granted. In March/April the real estate agent determined that a third party would purchase the mobile home at \$30,000. An escrow has been opened. If the sale is not consummated then the Conservatee will sell the mobile home to the mobile home park for \$8,000.00 as approved by the court in its prior order.</p> <p>Given the above circumstances, Petitioner requests an additional 60 days to file the First and Final Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/16/12.</p> <p>1. Need current status report</p>
Cont. from 041612			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT

Reviewed on: 6/11/12

Updates:

Recommendation:

File 16 - Lewis

Probate Status Hearing Re: Filing of the Inventory & Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Inventory & Appraisal filed 05/17/12</p>
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: JF Reviewed on: 06/11/12 Updates: Recommendation: File 17 - Lininger

Status Re: Settlement

		DOUGLAS POSTON, WILLIAM K POSTON, JR., and KRISTIN CALDERON , beneficiaries of the William K. Poston and Wilma B. Poston Living Trust dated 9-3-99, filed a Petition for Order Compelling Trustee to Account and Report, for Surcharge, and for Removal on 8-19-11.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 4-16-12:</u> Counsel requests a continuance. Matter continued to 6-18-12. <u>As of 6-13-12</u> , nothing further has been filed.
Cont. from 041612		LYNDA EVANS is Respondent.	
Aff.Sub.Wit.			
Verified		On 10-4-11, the Court appointed William K. Poston, Jr., as successor trustee and set the matter for settlement conference and trial.	
Inventory			
PTC		At the trial date on 2-14-12, Attorney Erlach advised the Court that the parties have been attempting to settle amongst themselves and have been ignoring both counsel. The Court took the trial off calendar and set this status hearing regarding settlement.	
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.		Leigh W. Burnside (of Dowling Aaron Inc., counsel for Petitioners) filed a declaration on 4-11-12 stating:	
Sp.Ntc.			
Pers.Serv.		At hearing on 10-4-11, the Court appointed Mr. Poston as successor trustee and it is Ms. Burnside's understanding that the Court directed Ms. Evans to turn over certain financial information to Mr. Poston.	
Conf. Screen			
Letters		Upon the filing of the Petition, attorneys Mara Erlach and Gary Motsenbocker engaged in discussions, and in an effort to keep legal fees down, the parties also communicated with each other without the assistance of counsel. Attorney Burnside's understanding is that Ms. Evans shared some financial information with Mr. Poston, but failed to turn over all information and documents.	
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting		Mr. Poston also experienced difficulty obtaining trust-related records from Union Bank. Accordingly, on his behalf, a subpoena duces tecum was served on Union Bank on approx. 3-14-12. Union Bank has not requested extension of time, so unless it does, records are expected to be produced on or about 4-15-12.	
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice		Once Mr. Poston receives the records, he will be in a position to set trial date on the remaining surcharge claim against Ms. Evans. It is attorney Burnside's understanding that Ms. Evans is still represented by attorney Motsenbocker. Attorney Burnside will endeavor to speak with attorney Motsenbocker prior to the status hearing, but meaningful settlement discussions will not be possible until records are received from Union Bank and reviewed.	

Reviewed by: skc

Reviewed on: 6-13-12

Updates:

Recommendation:

File 18 - Poston

19 Nathan Lopez & Gavin Lopez (GUARD/P)
Atty Estes, Sandi (pro per Guardian/maternal grandmother)
Atty Estes, Jeff (pro per Guardian/maternal grandfather)
Atty Lopez, Joshua (pro per Petitioner/father)

Case No. 08CEPR00797

Petition for Modification of Visitation

Nathan age: 3 years DOB: 1/8/2009		JOSHUA LOPEZ , father, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Proof of service of the Notice of Hearing does not indicate that it was served with a copy of the petition as required by the Order dated 12/30/2011 setting this matter for hearing.
Gavin age: 4 years DOB: 6/24/2007			
Cont. from		JEFF ESTES , maternal grandfather and SANDI ESTES , maternal grandmother were appointed guardian of Gavin on 10/30/2008 and were appointed guardian of Nathan on 9/29/2011.	
Aff.Sub.Wit.			
Verified		Current visitation orders:	
Inventory			
PTC		Per minute order dated 11/8/2010 Father has supervised visits with Gavin at Comprehensive Youth Services on Sundays from 2 p.m. to 4 p.m. Parties may agree to another day or time but there was to be no change in the amount of time.	
Not.Cred.			
Notice of Hrg		Per minute order dated 9/29/2011 Father has supervised visits with Nathan at Comprehensive Youth Services once a week from 4 p.m. to 6 p.m. Parties were ordered to contact Comprehensive Youth Services to arrange for visitation.	
Aff.Mail			
Aff.Pub.		Petitioner states he has been visiting with the minors every Tuesday from 3 p.m. to 5 p.m. since the last order [2/14/12]. Petitioner states the boys want more time with their father and he wants to spend more time with them. Petitioner is requesting that he be allowed 6 hours of unsupervised visits or visits supervised by a member of his family. Petitioner states he has a mother, aunts and uncles who are willing to help supervise while he spends time with his boys.	
Sp.Ntc.			
Pers.Serv.		Petitioner states he would also like to subpoena the supervised visit records.	
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 6/12/12
Updates:
Recommendation:
File 19 - Lopez

20A Jose Borjas and Roy Borjas (GUARD/P)
Atty Borjas, Tania (pro per Petitioner/guardian/paternal aunt)
Atty Ramirez, Sonia (pro per Mother)
Atty Ramirez, Maria Aracely (pro per maternal grandmother)

Case No. 09CEPR00838

Petition for Termination of Guardianship

Jose age: 9 years DOB: 3/21/03		SONIA RAMIREZ , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/7/12. As of 6/11/12 the following issues remain: 1. Petition does not state why it is in the best interest of the minors that the guardianship is terminated. 2. Petition is incomplete at #9. It does not include the names and addresses of the guardian and all relatives within the second degree. 3. Need proof of personal service of the <i>Notice of Hearing</i> or <i>Declaration of Due Diligence</i> on: a. Tonia Borjas (guardian) b. Carmen Borjas (paternal grandmother) c. Maria Aracely Ramirez (maternal grandmother)																																																																			
Roy age: 7 years DOB: 8/11/04																																																																						
Cont. from 050712		TANIA BORJAS , paternal aunt, was appointed as guardian on 1/13/2010.																																																																				
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	Citation																																																																					
	FTB Notice																																																																					
Father: JOSE BORJAS – court dispensed with notice per minute order dated 5/7/12.		Paternal grandfather: Alvaro Nino – deceased. Paternal grandmother: Not Listed (Carmen Borjas) Maternal grandfather: Juan Ramirez – deceased. Maternal grandmother: Not Listed (Maria Aracely Ramirez)																																																																				
Petitioner states ???																																																																						
Court Investigator Samantha Henson's report filed on 4/27/12.		<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 6/11/12</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 20A - Borjas</td> </tr> </table>		Reviewed by: KT	Reviewed on: 6/11/12	Updates:	Recommendation:	File 20A - Borjas																																																														
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20A

20B Jose and Roy Borjas (GUARD/P)
Atty Borjas, Tania (pro per Petitioner/guardian/paternal aunt)
Atty Ramirez, Sonia (pro per Mother)
Atty Ramirez, Maria Aracely (pro per maternal grandmother)

Case No. 09CEPR00838

Status Hearing Re: Guardianship

Jose age: 8 years DOB: 3/21/03		MARIA ARACELY RAMIREZ , maternal grandmother, petitioned the court for appointment as guardian.	NEEDS/PROBLEMS/COMMENTS:
Roy age: 7 years DOB: 8/11/04			
Cont. from 050712		TANIA BORJAS , paternal aunt, was appointed as guardian on 1/13/2010.	
Aff.Sub.Wit.			
Verified		Father: JOSE BORJAS	
Inventory			
PTC		Mother: SONIA RAMIREZ <i>consented and waived notice.</i>	
Not.Cred.			
Notice of Hrg		Paternal grandfather: Alvaro Nino – deceased.	
Aff.Mail			
Aff.Pub.		Paternal grandmother: Carmen Borjas Maternal grandfather: Juan Ramirez – deceased.	
Sp.Ntc.			
Pers.Serv.		Tania Borjas, guardian, had filed a petition to terminate the guardianship. However prior to the hearing she filed a request for dismissal. Maria Ramirez, maternal grandmother requested appointment as guardian so that the children could come and live with her and she could care for them.	
Conf. Screen			
Letters		Minute Order dated 3/6/12 denied Maria Ramirez's petition without prejudice and set this status hearing for 5/7/12. The Court further ordered that no party say anything negative to the minor or threaten him with removal by CPS. There is to be no use of alcohol around the minor and no party is to transport the minor unless they are licensed and insured. The court orders a court investigator to conduct a further investigation of Maria Ramirez, Tania Borjas, the minors and the mother.	
Duties/Supp			
Objections		Reviewed by: KT	
Video Receipt			
CI Report		Reviewed on: 6/11/12	
9202			
Order		Updates:	
Aff. Posting			
Status Rpt		Recommendation:	
UCCJEA			
Citation		File 20B - Borjas	
FTB Notice			

20B

Petition for Termination of Guardianship

Age: 5	DAVIDA ECHANIZ, Mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOB: 12-29-06		
	ELIZABETH and ALAN MARQUEZ,	<u>Minute Order 5-7-12</u> : Petitioner requests a continuance to provide notice to the appropriate parties.
	Maternal Aunt and Uncle, were appointed Guardians on 2-2-10.	
Cont. from 050712		<u>As of 6-12-12, nothing further has been filed. The following issues remain:</u>
Aff.Sub.Wit.	Father: Unknown	
✓ Verified	Paternal Grandfather: Unknown	1. Need Notice of Hearing.
Inventory	Paternal Grandmother: Unknown	
PTC	Maternal Grandfather: David Echaniz	2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on: - Elizabeth Marquez (Guardian) - Alan Marquez (Guardian) - David Echaniz (Maternal Grandfather) - Estella Wegner (Maternal Grandmother)
Not.Cred.	Maternal Grandmother: Estella Wegner	
Notice of Hrg	<p>Petitioner states she has been living in a stable home with her auntie for more than a year. She helps with budget and transportation. She's been in touch with her son and visited at his address for one year. Mother states she left thinking it would get her started to find a place of her own for Andrew and it's been too long now since she's asked her sister for her son back. Mother states her sister has not been cooperative and avoids contact with her, and the guardians have Andrew call her "Auntie" and call Elizabeth "Mom." When the guardians are not there, he calls her "Mom," but if they are there, they correct him. Mother states when she calls, she is told Andrew is busy or sleeping or eating. Mother feels if Andrew wasn't getting SSI the guardians would have given him back already. Mother states she has a nice home with schools and parks nearby and Andrew would have a loving home with his mommy.</p> <p>Court Investigator Julie Negrete filed a report on 4-26-12.</p>	
Aff.Mail		X
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: skc

Reviewed on: 6-12-12

Updates:

Recommendation:

File 21 - Saldana

Atty Duarte, Mary Jane (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Riqui, 8 DOB: 04/25/04		GENERAL HEARING 08/16/12		NEEDS/PROBLEMS/COMMENTS:	
Ariel, 6 DOB: 11/13/05		MARY JANE DUARTE, maternal grandmother, is Petitioner.		1. Need Notice of Hearing .	
Jorja, 5 DOB: 04/20/07		Father: RICHARD HERNANDEZ		2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Richard Hernandez (father) - Jennifer Duarte (mother)	
Cont. from		Mother: JENNIFER DUARTE		3. Need Confidential Screening Form .	
	Aff.Sub.Wit.	Paternal grandfather: UNKNOWN		4. Petitioner indicates the child may have Indian ancestry. Therefore, need Notice of Child Custody Proceeding for Indian Child (Form ICWA-030) to be completed and returned to the Probate Clerk's Office as soon as possible . See Probate Code §1460.2, and CA Rules of Court 7.1015.	
✓	Verified	Paternal grandmother: ANNA AGUILAR		The general guardianship hearing on 8-16-12 cannot go forward unless this form has been served on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested.	
	Inventory	Maternal grandfather: GEORGE DUARTE		A blank copy of the form is in the file for Petitioner, and it should be completed and returned <u>as soon as possible</u> to the Probate Clerk's Office. The Probate Clerk's Office will complete service.	
	PTC	Siblings: CASANDRA DUARTE (14), JUSTYCE DE LOS SANTOS (2)		At the general hearing on 8-16-12, continuance may be required to ensure that the appropriate parties and agencies received 60 days' notice. See Probate Code 1460.2, and CA Rules of Court 7.1015.	
	Not.Cred.	Petitioner states the children and their mother have always lived in her home and she has been the primary parent figure to the children, caring for them their entire lives. The mother frequently disappears for days or weeks at a time with no contact or interaction.			
	Notice of Hrg	Currently, the mother has been missing for about 3 weeks and a missing persons report has been filed with the Fresno County Sheriff. The mother has a custody order for the older two girls, but not for Jorja. The children's father came and picked up all three children upon finding out that the mother was missing. He has returned the older girls so that they could attend school, but he has kept Jorja and is not allowing Petitioner to have any contact with her. Petitioner states that the father has a lengthy criminal history and long history of domestic violence between he and the mother. Petitioner states that she does not believe the children are safe in their father's care and they are at risk of abuse while in his care.			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 06/12/12	
				Updates:	
				Recommendation:	
				File 23 - Hernandez	

Age: 5 DOB: 01/22/07		<u>TEMPORARY GRANTED EX PARTE;</u> <u>EXPIRES 06/18/12</u>		NEEDS/PROBLEMS/COMMENTS:	
		<u>GENERAL HEARING 08/07/12</u>			
		JOHNYCIA ROYSTER , paternal aunt, is Petitioner.		1. Need Notice of Hearing .	
Cont. from		Father: JACARE SHEPHEARD, SR.		2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
	Aff.Sub.Wit.		Mother: DENELL BRANDON - Declaration of Due Diligence filed 06/13/12	- Jacare Shepherd, Sr. (father)	
✓	Verified		Paternal grandfather: NOT LISTED	- Denell Brandon (mother)*	
	Inventory		Paternal grandmother: SANDRA YATES	*Declaration of Due Diligence filed 06/13/12 states that four attempts to serve the mother at her current address have been unsuccessful.	
	PTC		Maternal grandparents: NOT LISTED		
	Not.Cred.		Petitioner states that she has cared for the minor for the past 2 ½ years when his mother abandoned him at her house.		
	Notice of Hrg	x	Petitioner states that her grandmother dropped Jacare off at his mother's home for a visit and she is now refusing to return him. Petitioner states that the mother has substance and alcohol abuse problems, and her home is not clean. Further, Jacare has no bed or clothing at his mother's home and he is currently without his medication. Petitioner states that the mother's landlord has stated that she does not want Jacare living there, as there are already several children living in the 2 bedroom apartment and she is fearful that Jacare could end up on the streets with his mother. Petitioner states that other adults living in the home engage in prostitution. Petitioner states that the mother is often under the influence and has even shown up at church heavily intoxicated. Further, the mother does not have the financial means to care for Jacare. The mother's oldest child was removed from her care due to her inability to care for her properly. Petitioner states that Jacare has his own bed, toys, clothing and medication at her home and she has all of his personal records, medical card and other items showing that he has been in her care.		
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
	Letters	x			
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order	x			
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 06/12/12	
				Updates: 06/14/12	
				Recommendation:	
				File 24 - Shepherd	